

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Mar 03, 2022**

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

LINDA B.,<sup>1</sup>

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,<sup>2</sup>

Defendant.

No. 1:21-cv-03025-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 18, 22**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 22,  
requesting remand of the above-captioned matter to the Commissioner for

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned  
identifies them by only their first names and the initial of their last names. *See*  
LCivR 5.2(c).

<sup>2</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9,  
2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo  
Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further  
action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

1 additional administrative proceeding pursuant to sentence four of 42 U.S.C. §  
2 405(g). Attorney D. James Tree represents Plaintiff. Attorney Franco Becia  
3 represents Defendant.

4 After consideration, **IT IS HEREBY ORDERED** that:

5 1. The District Court Executive is directed to substitute Kilolo Kijakazi as  
6 the Defendant and update the docket sheet.

7 2. The parties' Stipulated Motion for Remand, **ECF No. 22**, is **GRANTED**.

8 3. The above-captioned case be **REVERSED** and **REMANDED** to the  
9 Commissioner of Social Security for further administrative proceeding pursuant to  
10 sentence four of 42 U.S.C. § 405(g).

11 The parties have stipulated to the following:

12 The finding of disability beginning on April 23, 2020 is affirmed.

13 On remand, the Appeals Council will instruct the ALJ to:

- 14 • Offer Plaintiff the opportunity for a new hearing and further develop  
15 the record;
- 16 • Reevaluate the severity of Plaintiff's impairments;
- 17 • Reevaluate whether Plaintiff's impairments meet or equal a listing;
- 18 • Reevaluate Plaintiff's symptom complaints;
- 19 • Reconsider Plaintiff's residual functional capacity pursuant to SSR  
20 96-8p;

- Reevaluate steps four and five of the sequential evaluation process, and obtain vocational expert testimony, if necessary; and
- Issue a new decision.

*See* ECF No. 22 at 1-2.

3. Judgment shall be entered for **PLAINTIFF**.

4. Plaintiff's Motion for Summary Judgment, **ECF No. 18**, is **STRICKEN AS MOOT**.

5. Upon proper presentation, this Court consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The District Court Executive is directed to enter this Order, **enter Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

DATED March 3, 2022.

s/Mary K. Dimke  
MARY K. DIMKE  
UNITED STATES DISTRICT JUDGE